

**MINUTES**  
**PROTECTION & WELFARE COMMITTEE**  
**Monday, November 10, 2014**  
**City Hall, Room 207**  
**5:30 p.m.**

**MEMBERS PRESENT:** Ald. Wery, Ald. Tim De Wane, Ald. Steuer, and Ald. Scannell  
**MEMBERS EXCUSED:** None  
**MEMBERS ABSENT:** None  
**OTHERS PRESENT:** Patrick Leigl–Asst. City Atty., Capt. Bongle, Ald. Tom DeWane, and other interested parties.

1. Roll Call.

Ald. Wery, Ald. Tim De Wane, Ald. Steuer and Ald. Scannell were present.

2. Approval of the Agenda.

A motion was made by Ald. Scannell and seconded by Ald. Tim DeWane to approve the agenda. Motion carried.

3. Approval of the minutes from the October 27, 2014 meeting.

A motion was made by Ald. Scannell and seconded by Ald. Tim DeWane to approve the minutes from the October 27, 2014 meeting. Motion carried.

4. Application for a Class “A” Beverage and a “Class A” Liquor License by Kwik Trip, Inc. at 840 S. Huron Road. (Formerly I-43 Business Center Shell)

No objections from Atty. Leigl of the City Atty.’s Office.

No objections from Captain Bongle of the Green Bay Police Department (GBPD).

A motion was made by Ald. Scannell and seconded by Ald. Tim DeWane to approve the application for a Class “A” Beverage and a “Class A” Liquor License by Kwik Trip, Inc. at 840 S. Huron Road with the approval of the proper authorities. (Formerly I-43 Business Center Shell) Motion carried.

5. Application for a “Class B” Combination License by J & M Group, LLC at 715 S. Broadway. (Transfer from JD’s Bar, LLC)

Atty. Leigl stated the City Atty.’s Office objects to approval based on the applicant’s prior record.

Captain Bongle concurred, stating they also have concerns with the applicant’s prior record which includes financial issues of outstanding traffic debt and civil actions while operating a tavern in De Pere. He noted judgments entered on the record with vendors and a troubled past with alcohol violations. The GBPD would prefer to have this business be something other than a typical bar and

because of applicant's past record stated they could be more susceptible to risky business strategies which could result in more police activity.

Ald. Wery opened the floor without objection.

Matthew Kispert, 834 Shawano Avenue, appeared and addressed the above concerns stating that when he was involved in the bar in De Pere, his partner bailed on him resulting in a responsibility for him to pay off a debt which he is in the process of doing. His plan for the current bar is to improve it by offering music and eventually food.

When reviewing the record Ald. Steuer noted previous charges of drug possession and intent to deliver, although the charges were dismissed.

Mr. Kispert attempted to explain these charges. When asked regarding a 2007 negligent manslaughter charge, Mr. Kispert indicated that an individual was aggressive with him in trying to start a fight. Mr. Kispert lunged and punched the man in defense causing him to fall and hit his head from which he did not recover. At the time Mr. Kispert accepted a plea deal.

Jeff Hunter, 834 Shawano Avenue, appeared and stated he is the other partner on this application. He stated that he and Mr. Kispert are excited and passionate about taking on a new business venture and sees it as a good partnership. He has been involved with other businesses on Broadway and has noted that development is moving south. They feel the proposed property has good potential. He and Mr. Kispert presently own a home in Green Bay and they have taken a mortgage on it to start the new business.

Mr. Hunter addressed his criminal history, stating that he was a teacher for many years and unfortunately because of struggles with his sexuality, made a terrible mistake and was involved with a 17 year old. He has successfully been involved with counseling and has moved on. He feels this is a good opportunity for both he and Mr. Kispert, stating they would like a chance to prove themselves.

Ald. Scannell asked about plans for the bar and Mr. Hunter explained there is a wooden back bar installed by Budweiser in the 1940's. It is recognized as very unique and they plan to bring the bar back to that era with a speakeasy feel. They plan to call the bar Rum Runner's and eventually serve sandwiches and pizza.

Ald. Steuer expressed concerns with people who may have been affected by Mr. Hunter's past history. Mr. Hunter stated that a part of counseling is to move forward and develop a balanced life. He stated he was also a victim of childhood abuse and has attempted to deal with those issues.

Ald. Tim DeWane stated he has been involved with Mr. Hunter in regards to area events, and that he feels confident that this business will make improvements and that he would support the venture.

Ald. Steuer continued to express concerns with Mr. Hunter's past criminal history which occurred in the 1980's asking legal counsel for opinion. Atty. Leigl explained that Mr. Hunter has been found guilty on several charges, but other charges were dismissed. He has passed the Sexual Offender Residency Board.

Ald. Wery returned to regular order of business.

Further discussion resulted in Ald. Scannell stating he did have some concern with the charge of manslaughter as this bar business may offer that opportunity again. He stated he admired the business plan and goals. He asked Captain Bongle again to describe his concerns.

Captain Bongle stated that past history raises a concern that could represent a business style which he would consider a high risk.

Ald. Wery reopened the floor without objection.

Mr. Hunter explained that his past debt not only involved the business, but also was related to expenses from his father's death.

Ald. Tom DeWane noted that Green Bay will not issue a license if there are outstanding bills or if the parties have been negligent. Atty. Leigl noted that may depend on what kind of bills they are and in this case there are two from Cisco Foods, one from the Department of Revenue, and one is a small claims related to eviction.

Ald. Wery returned to regular order of business.

Discussion included holding this item for two to three weeks for the parties to work out financial arrangements regarding their past debt.

Ald. Steuer noted a saturation of bars in the South Broadway area, asking if there is a potential for any other use. It was noted this is a historical area. Ald. Steuer again expressed concern, asking if a decision is time sensitive as he is concerned with the records of both individuals. Ald. Steuer stated at this time he would deny.

Ald. Scannell stated that he is in favor of the application, however if financials are a concern he would have no problem to hold. He opined the business as described would be an improvement to the area.

Ald. Tim DeWane stated he would approve, noting that Mr. Hunter has been approved by the Residency Board. They plan to provide food in the future along with other improvements to the property. In his opinion, the \$2,000 debt is not a large amount when compared to other debt in the City and he does not see approval as a risk.

Ald. Wery opined this appears to be a good business venture, and that the individuals have dealt with past issues, and appear prepared for any future risk.

A motion was made by Ald. Scannell and seconded by Ald. DeWane to approve the application for a "Class B" Combination License by J & M Group, LLC at 715 S. Broadway with the approval of the proper authorities. (Transfer from JD's Bar, LLC) Motion carried. Ald. Steuer voted nay.

6. Review and discuss the request by Ald. Wery to amend the Green Bay Municipal Ordinance 33.08(2) regarding restrictions on alcohol license locations (postponed from the October 27, 2014 meeting.)

Atty. Leigl asked the Committee for their concerns and feedback, along with guidance as to what they would propose to amend the present language. He indicated the options for this item would be to refer it back to the City Atty.'s Office, to amend the present language, or to receive and place on file.

Ald. Wery requested that a clause be added to the present ordinance language that no alcohol licenses be granted to locations near a church or school.

Ald. Steuer requested that a map with graphics be presented to the Committee which would show the present alcohol license locations in the City.

Ald. Wery opened the floor without objection.

Mary Ann Hitch, (address unintelligible), appeared and stated she serves on the Board of the Neighborhood Research Center which houses Head Start and their classrooms and is adjacent to the Shell station. Ms. Hitch stated at the time this ordinance was written, this facility was taken into consideration with the result that no alcohol would be served in the area. She indicated this has held for 14 years and that the previous owners abided by the ordinance, however she expressed concerns that the new owners will.

Ald. Wery pointed out that the discussion at this time is not relative to a particular area but rather to whether the ordinance should be tweaked. Ms. Hitch suggested there be no changes made to the ordinance.

Christine Fabian (address unintelligible) Wrightstown, appeared and spoke regarding Howe School and the close proximity to the existing Shell Gas Station and her concerns with alcohol license locations near schools.

Ald. Tom DeWane expressed confusion stating he went to Howe School and has traveled many places around the country where liquor was sold in gas stations, questioning if children would be influenced by this type of situation. It was also noted that this school age group is usually after the purchase of candy.

Christine explained that the ultimate goal of the school system is to provide a positive environment in terms of their students. This particular location is concerning as it provides a direct route from school to home.

Andrea Landwehr, (address unintelligible), appeared and spoke representing Green Bay Public Schools. Andrea stated that the main focus is a good

environment for students and would ask that the ordinance be appropriate with regard to alcohol license locations and safety for children.

Ald. Wery returned to regular order of business.

Ald. Steuer's motion to refer to staff was again addressed and under discussion it was pointed out that the Neighborhood Association would like to be present at a Committee meeting, along with the Shell Station owners to discuss this issue.

Discussion included concerns with the location of the Shell Station and the student traffic, and that the matter is brought back with the option to appeal any locations within church/school districts during certain time restrictions.

Ms. Landwehr stated there are two issues: one being location, the other being the opportunity to partner with parents to educate students. She stated the school district is working hard to partner with the community to offer before and after school activities.

Ald. Wery returned to regular order of business.

Captain Bongle explained that research shows that the location of a business selling alcohol has increased the age of which youth may begin consuming and that it has increased consumption.

Ald. Tom DeWane stated he would not like to see any action resulting in a system similar to that of restrictions to sexual offenders and that any decision provides an appeal system which is fair to everyone.

Ald. Scannell pointed out there have been restrictions to the flow of alcohol in certain areas of the city.

Motion made by Ald. Scannell and seconded by Ald. Tim De Wane to refer to the City Attorney's Office the request by Ald. Wery to amend the Green Bay Municipal Ordinance 33.08(2) regarding restrictions on alcohol license locations (postponed from the October 27, 2014 meeting.) Motion carried.

7. Review timeline for liquor license applicants as it pertains to their security plan (held up from the September 22, October 13 and October 27, 2014 meetings).

A checklist of the timeline for liquor license applicants was provided to all Committee members for their review. Discussion determined that the form provides sufficient information and guidelines to complete an application. It was recommended by Ald. Tim DeWane that it be sent to all Council members for comment.

A motion was made by Ald. Tim DeWane and seconded by Ald. Scannell to approve the timeline for liquor license applicants as it pertains to their security plan (held up from the September 22, October 13 and October 27, 2014 meetings). Motion carried.

8. Appeal by Daniel White to the denial of his Public Vehicle Operator application.

The City Atty.'s Office recommends denial based on the applicant's prior record.

The GBPD concurs and supports denial.

Ald. Wery opened the floor without objection.

Daniel White, W1809 Linsmyer Road, Seymour, WI appeared and stated he has an opportunity to drive for John Heinke. He explained that he takes full responsibility for the charges against him for unauthorized use of a motor vehicle and bail jumping. He stated that after surgery and the death of his parents he became addicted to prescription medication and for several years denied his problem. After the offense of unauthorized use of a motor vehicle, he was sent to the Chippewa Correctional Treatment Facility. He completed this program followed by six months of counseling and two years of supervision during which time he had no further violations.

John Heinke, Seymour, WI, appeared and stated that he has had past addiction problems and has been sober for 20 years. He is aware of Mr. White's situation and has served as a mentor. He presently has three drivers which he holds to high standards and feels that Mr. White will fit into this position well.

Ald. Steuer opined that Mr. White appears accountable and understands that his problems occurred after a series of troublesome events.

Ald. Wery returned to regular order of business.

A motion was made by Ald. Steuer and seconded by Ald. Scannell to approve the appeal by Daniel White to the denial of his Public Vehicle Operator application. Motion carried.

9. Appeal by Darryl Cleveland, Sr. to the denial of his Public Vehicle Operator application.

The City Atty.'s Office recommends denial based on the applicant's prior record.

The GBPD concurs with denial.

Mr. Cleveland was not present.

A motion was made by Ald. Scannell and seconded by Ald. Steuer to deny the appeal by Darryl Cleveland, Sr. of his Public Vehicle Operator application. Motion carried.

A motion was made by Ald. Tim DeWane and seconded by Ald. Scannell to adjourn the meeting at 7.p.m. Motion carried.